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BUYERQUEST, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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| <p>Gordon & Rees LLP 275 Battery Street, Suite 2000 San Francisco, CA 94111</p> | <p>TRADESHIFT, INC., a Delaware corporation, Plaintiff, vs. BUYERQUEST, INC., an Ohio corporation, Defendant.</p> | <p>) CASE NO. 3:20-cv-01294-RS)) Judge: Hon. Richard Seeborg) Courtroom: 3 (17th Floor))) DECLARATION OF ANTHONY D.) PHILLIPS IN SUPPORT OF) BUYERQUEST, INC.'S) ADMINISTRATIVE MOTION TO FILE) UNDER SEAL EXHIBITS TO) OPPOSITION TO TRADESHIFT, INC.'S) MOTION FOR SUMMARY) ADJUDICATION AND TO FILE) REDACTED MOVING PAPERS)) <i>Administrative Motion to File Under Seal;) [Proposed] Order filed concurrently) herewith</i>))) Complaint Filed: February 20, 2020) Trial: November 1, 2021)))</p> |
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DECLARATION OF ANTHONY D. PHILLIPS

I, Anthony D. Phillips, declare as follows:

1. I am an attorney in good standing and licensed to practice law before the Courts of the State of California and before this Court.

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2. I am a partner in the San Francisco office of the law firm of Gordon Rees Scully Mansukhani, LLP, counsel for defendant BuyerQuest, Inc. (“BuyerQuest”) in the above-captioned action.

3. Pursuant to Civil Local Rule 79-5(e), I submit this declaration in support of BuyerQuest, Inc.’s Administrative Motion to Seal. If called upon to testify as to the contents of this declaration, I could and would do so truthfully and competently.

4. Exhibits A-1, G-1, I, K-1, N, Q, T, V, W, Y, Z, AA and BB to the Declaration of Anthony D. Phillips in support of BuyerQuest, Inc.’s Opposition to Tradeshift Inc.’s (“Tradeshift”) Motion for Summary Adjudication have been designated as Confidential by BuyerQuest under the operative Protective Order in this case (ECF 35).

5. Exhibit A-1 comprises excerpts of the April 29, 2021 deposition transcript of Sean Norton. It involves testimony related to documents designated Confidential and Highly Confidential – Attorneys Eyes Only, and includes and references technical, financial, contractual, and other sensitive business information of the parties.

6. Exhibit G-1 comprises excerpts of the May 11, 2021 deposition transcript of Debbie Gillman. It involves testimony related to documents designated Confidential, and includes and references technical and other sensitive business information of the parties.

7. Exhibit I is a document BuyerQuest produced, bates stamped BQ000005, and designated Confidential. This document is an invoice issued by BuyerQuest to Tradeshift, and includes and references pricing and other sensitive business information of the parties.

8. Exhibit K-1 comprises excerpts of the April 14, 2021 deposition transcript of Dan Roehrs. It involves testimony related to documents designated Confidential, and includes and references sensitive business information of Tradeshift.

9. Exhibit N comprises excerpts of the April 16, 2021 deposition transcript of Luke Batman. It involves testimony related to documents designated Confidential, and includes and references payment, financial and other sensitive business information of the parties.

10. Exhibit O comprises excerpts of the April 20, 2021 deposition transcript of Jack Mulloy. It involves testimony related to documents designated Confidential, and includes and

references payment, financial and other sensitive business information of the parties.

11. Exhibit Q comprises excerpts of the May 7, 2021 deposition transcript of Peter Van Pruissen. It involves testimony related to documents designated Confidential, and includes and references financial and other sensitive business information of Tradeshift.

12. Exhibit S comprises excerpts of the April 22, 2021 deposition transcript of Dan Utyuzh. It involves testimony related to documents designated Confidential, and includes and references technical and other sensitive business information of BuyerQuest.

13. Exhibit T comprises excerpts of the April 8, 2021 deposition transcript of Salman Siddiqui. It involves testimony related to documents designated Confidential, and includes and references technical and other sensitive business information of BuyerQuest.

14. Exhibit V is a document BuyerQuest produced, bates stamped BQ109122, and designated Confidential. This document reflects Slack messages within BuyerQuest, and includes and references sensitive business information of BuyerQuest.

15. Exhibit W comprises excerpts of the May 5, 2021 deposition transcript of Kyle Muskoff. It involves testimony related to documents designated Confidential, and includes and references sensitive business information of BuyerQuest.

16. Exhibit X comprises excerpts of the May 13, 2021 deposition transcript of Christian Lanng. It involves testimony related to documents designated Confidential, and includes and references financial and other sensitive business information of Tradeshift.

17. Exhibit Y comprises documents BuyerQuest produced, bates stamped BQ019662, BQ028171, BQ004690, and BQ010871, and designated Confidential. These documents reflect email correspondence between BuyerQuest and Tradeshift. BuyerQuest understands that Tradeshift may consider the documents Confidential.


18. In conjunction with this Motion, BuyerQuest lodges unredacted copies of Exhibits A, A-1, B, C, E, F, G, G-1, H, I, J, K, K-1, L, M, N, O, Q, S, T, and V-Y under seal pursuant to Rule 79-5(e) to preserve their confidential treatment.

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1 I declare under penalty of perjury under the laws of the United States of America that the
2 foregoing is true and correct.

3 Executed this 19th day of August at San Francisco, California.

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5 By  _____

6 ANTHONY D. PHILLIPS
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